

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

D.A.P., LLP d/b/a/ PINTO REAL ESTATE	:	
	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	
	:	
SHELL OIL PRODUCTS COMPANY, LLC,	:	
and SHELL OIL CO.,	:	
	:	
Defendants.	:	

**NOTICE OF REMOVAL OF CIVIL ACTION TO UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

Defendants Shell Oil Products Company, LLC, and Shell Oil Company  
(collectively "Shell") respectfully petition this Court for removal of the above-entitled  
action from the Superior Court of the Commonwealth of Massachusetts, Judicial District  
of Worcester, Docket Number 10-2679, to the United States District Court for the  
District of Massachusetts pursuant to 28 U.S.C. §§ 1332(a) and 1441(a) and allege as  
follows:

1. Shell petitions that this action be removed to federal court pursuant to 28 U.S.C. § 1332(a) on the basis of the diversity of citizenship of the parties.
2. On or about January 7, 2011, plaintiff served Shell with a Complaint filed in the Superior Court of the Commonwealth of Massachusetts, Judicial District of Worcester, Docket Number 10-2679. Copies of the Summons and Complaint in the Superior Court Action are attached hereto as Exhibit A, and are incorporated herein by reference.

3. There are no other defendants in the Superior Court Action.

4. The Superior Court Action is a suit of a wholly civil nature, of which the United States District Court for the District of Massachusetts has original jurisdiction under 28 U.S.C. § 1332(a) and is one that may be removed by petitioner pursuant to 28 U.S.C. § 1441(a).

5. This Court has diversity jurisdiction over the action because plaintiff D.A.P., LLP, d/b/a Pinto Real Estate, is a limited liability partnership organized under the laws of Massachusetts with a business address of 100 Medway Road, Milford, Massachusetts. Complaint ¶ 1. Shell Oil Products Company, LLC, and Shell Oil Company are limited liability companies organized under the laws of Delaware with their principal places of business in Houston, Texas. *Id.* ¶¶ 2-3. DAP alleges that its property has been damaged as a result of a petroleum release resulting from actions by Shell. DAP further alleges that Shell's actions violate Massachusetts G.L. Chapter 21E and that Shell is liable to plaintiff in the amount of at least \$282,795. *Id.* ¶¶ 15-34.

6. Pursuant to 28 U.S.C. § 1332(a), the district courts of the United States have original jurisdiction over civil actions where the matter in controversy exceeds the sum of \$75,000 and is between citizens of different states. DAP is a citizen of Massachusetts. Shell Oil Products Co., LLP, and Shell Oil Company are foreign corporations incorporated in Delaware and with their principal places of business in Texas. Plaintiff's claims for damages exceed \$75,000.

7. This action is, therefore, one over which the United States District Court for the District of Massachusetts has original diversity jurisdiction under 28 U.S.C.

§ 1332(a).

8. This petition is being filed pursuant to 28 U.S.C. § 1446(b) within 30 days from service of the Complaint upon defendants. Defendants first obtained notice of the Summons and Complaint in the relevant state court action when their statutory agent for service was served with process on January 7, 2011, and thereafter transmitted copies of the Summons and Complaint to defendants' corporate offices.

11. This Notice of Removal has been signed pursuant to Fed. R. Civ. P. 11.

WHEREFORE, Shell prays that this action be removed from the Superior Court of the Commonwealth of Massachusetts, Judicial District of Worcester, to the United States District Court for the District of Massachusetts.

Dated: January 27, 2011

DEFENDANTS - SHELL OIL PRODUCTS  
COMPANY, LLC AND SHELL OIL CO.

By: /s/ Vaughan Finn

Vaughan Finn (BBO 665144)

Joseph P. Williams

Shipman & Goodwin LLP

One Constitution Plaza

Hartford, CT 06103-1919

Telephone (860) 251-5505

Facsimile (860) 251-5219

vfinn@goodwin.com

jwilliams@goodwin.com

Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that, on January 27, 2011, a copy of Defendants' Notice of Removal of Civil Action to United States District Court for the District of Massachusetts and the attached Exhibit were filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Vaughan Finn  
Vaughan Finn